

RESOLUTION NO. 6066

A RESOLUTION ACCEPTING THE FOLLOWING FRANCHISED UTILITY EASEMENT:

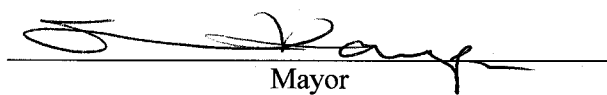
Grantor

Purpose

Benton Woods Homeowners Association, an Oregon Nonprofit Corporation	Franchised Utility Easement adjacent to existing right-of-way for the Benton Woods subdivision development.
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NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this Franchised Utility Easement.

DATED AND EFFECTIVE THIS 7TH DAY OF DECEMBER 2011.



Mayor

ATTEST:




City Clerk

RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

BENTON COUNTY, OREGON **2011-486470**
DE-EAS
Crt=1 Stn=5 MR **12/27/2011 12:01:14 PM**
\$35.00 \$11.00 \$17.00 \$10.00 \$20.00 **\$93.00**



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



James V. Morales - County Clerk

AFTER RECORDING RETURN TO:

City of Albany Recorder

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Benton Woods Homeowners Association

1. Name/Title of Transaction - by ORS 205.234 (a)

FRANCHISE UTILITY EASEMENT

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Benton Woods Homeowners Association, an Oregon Nonprofit Corporation

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$1.00

Res No. 6066

EASEMENT FOR FRANCHISED PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this 9th day of December, 2011, by and between Benton Woods Homeowners Association, an Oregon non-profit corporation, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany and Utility Companies with Franchise Agreements with the City, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public franchised utilities over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of: See legal description on attached Exhibit A and map on attached Exhibit B and Exhibit C.
2. The permanent easement described herein grants to the City and its franchised utility companies, and to their successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the Utility Company performing the maintenance shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the undersigned, being the Board President of the Benton Woods Homeowners Association, has executed this instrument this 26th day of Oct., 2011.

GRANTOR: Benton Woods Homeowners Association, an Oregon non-profit corporation

By: [Signature]

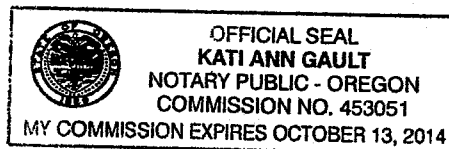
Name: M. Scott Clark

Title: Board President

STATE OF Oregon)
County of Multnomah) ss.
City of Portland)

The foregoing instrument was acknowledged before me this 26th day of October, 2011, by M. Scott Clark, on behalf of the Benton Woods Homeowners Association, as his/her voluntary act and deed.

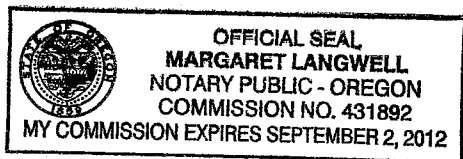
[Signature]
Notary Public for Oregon
My Commission Expires: 10/13/14



CITY OF ALBANY:

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Wes Hare, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number 6006, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this 9th day of December 2011.



[Signature]
City Manager

ATTEST:
[Signature]
City Clerk

EXHIBIT "A"

7-FOOT WIDE FRANCHISE UTILITY EASEMENTS

"Benton Woods Phase II" Subdivision

Three (3) seven foot (7.00') wide strips of land located in BENTON WOODS, a subdivision of record in Benton County, Oregon that are more particularly described as follows:

Franchise Utility Easement Strip No. 1:

A portion of Tract "D" in said BENTON WOODS subdivision, said portion being more particularly described as follows:

Commencing at an iron rod at the southeast corner of said Tract "D"; thence South 89°45'56" West on the south boundary line of said Tract, a distance of 260.57 feet to an iron rod; thence North 00°14'04" West 100.00 feet to an iron rod; thence South 89°45'56" West 100.00 feet to an iron rod marking the **True Point of Beginning**; thence North 00°14'04" West 131.70 feet to an iron rod; thence North 89°45'56" East, on the westerly boundary of said Tract "D", a distance of 7.00 feet; thence South 00°14'04" East, parallel with said westerly boundary, a distance of 131.70 feet to a point on the southerly boundary of said Tract "D", thence South 89°45'56" West 7.00 feet to the **Point of Beginning**.

Franchise Utility Easement Strip No. 2:

A portion of Tract "B" in said BENTON WOODS subdivision, said portion being more particularly described as follows:

Commencing at an iron rod at the northeast corner of said Tract "B"; thence South 89°45'56" West on the north boundary line of said Tract, a distance of 366.41 feet to an iron rod; thence North 00°14'04" West 100.00 feet to an iron rod marking the **True Point of Beginning**; thence South 89°45'56" West, on the most northerly boundary line of said Tract "B", a distance of 46.00 feet to an iron rod; thence South 00°14'04" East, on a westerly boundary line thereof, a distance of 7.00 feet, thence North 89°45'56" East, parallel with the most northerly boundary

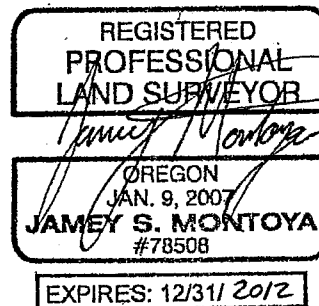
line of said Tract "B", a distance of 46.00 feet to a point on the easterly boundary line of said Tract, thence North 00°14'04" West 7.00 feet to the **Point of Beginning**.

Franchise Utility Easement Strip No. 3:

A portion of Tract "B" in said BENTON WOODS subdivision, said portion being more particularly described as follows:

Commencing at an iron rod at the southeast corner of said Tract "B"; thence South 89°50'10" West, on the south boundary line of said Tract, a distance of 249.99 feet to an iron rod; thence South 00°09'50" East 90.00 feet to an iron rod marking the **True Point of Beginning**; thence South 89°50'10" West, on the most southerly boundary line of said Tract "B", a distance of 37.61 feet to an iron rod; thence North 00°09'50" West, on a westerly interior boundary line of Tract "A" in said BENTON WOODS subdivision, a distance of 7.00 feet; thence North 89°50'10" East, parallel with said southerly boundary line, a distance of 37.61 feet to a point on an easterly interior boundary line of said Tract "A"; thence South 00°09'50" East 7.00 feet to the **Point of Beginning**.

END OF DESCRIPTION



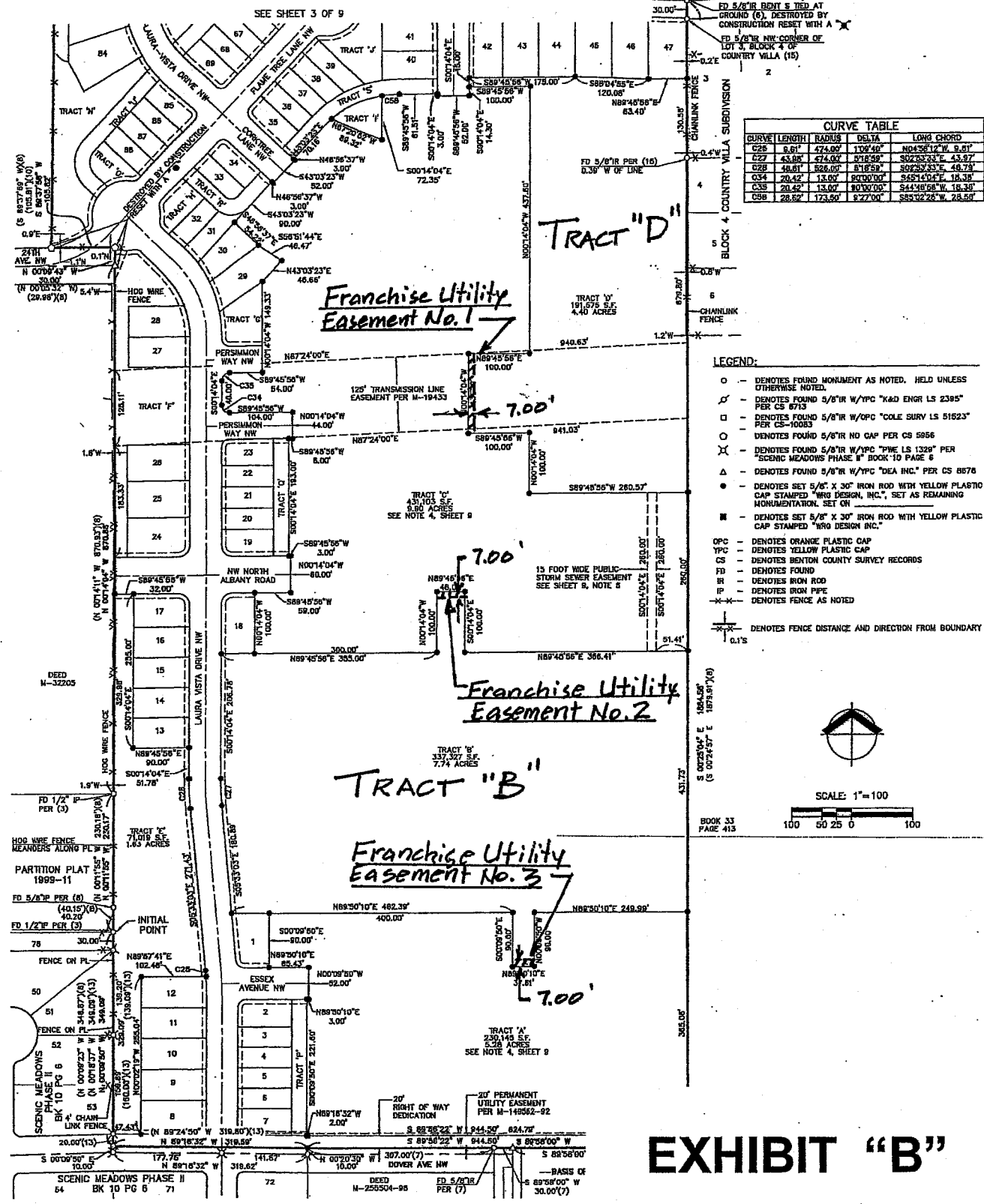
September 21, 2011
7 FOOT WIDE FRANCHISE
UTILITY EASEMENTS DESCRIPTION
(10-12-B) JSM:ls

File Ref: share/projects/2010/10-12-B/surveying/documents/Franchise Utility Easement Descriptions.doc

BENTON WOODS

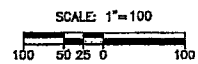
LOCATED IN THE S.E. 1/4 OF SEC. 26, AND THE N.E. 1/4 OF SEC. 35
TOWNSHIP 10 SOUTH, RANGE 4 WEST, W.M.
CITY OF ALBANY, BENTON COUNTY, OREGON

JUNE 20, 2007



CURVE TABLE			
CURVE LENGTH	RADIUS	DELTA	LONG CHORD
C25 9.61'	474.00'	110°40'	N04°26'12" W 9.81'
C27 43.88'	474.00'	67°58'	S02°53'31" E 43.97'
C34 48.61'	826.00'	67°58'	S02°53'31" E 48.79'
C38 20.42'	13.00'	90°00'00"	S45°14'04" W 18.39'
C39 28.52'	173.50'	92°27'00"	S89°02'28" W 28.59'

- LEGEND:**
- - DENOTES FOUND MONUMENT AS NOTED, HELD UNLESS OTHERWISE NOTED
 - - DENOTES FOUND 5/8" IR W/ YPC "K&D ENGR LS 2385" PER CS 6713
 - - DENOTES FOUND 5/8" IR W/ OPC "COLE SURV LS 51623" PER CS-10033
 - - DENOTES FOUND 5/8" IR NO CAP PER CS 5956
 - △ - DENOTES FOUND 5/8" IR W/ YPC "PWE LS 1329" PER "SCENIC MEADOWS PHASE II" BOOK 10 PAGE 6
 - - DENOTES FOUND 5/8" IR W/ YPC "IDEA INC." PER CS 6678
 - - DENOTES SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "WRG DESIGN, INC.", SET AS REMAINING MONUMENTATION, SET ON
 - - DENOTES SET 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "WRG DESIGN INC."
 - OPC - DENOTES ORANGE PLASTIC CAP
 - YPC - DENOTES YELLOW PLASTIC CAP
 - CS - DENOTES BENTON COUNTY SURVEY RECORDS
 - FD - DENOTES FOUND
 - IR - DENOTES IRON ROD
 - IP - DENOTES IRON PIPE
 - - DENOTES FENCE AS NOTED
 - - DENOTES FENCE DISTANCE AND DIRECTION FROM BOUNDARY



BOOK 33
PAGE 413

EXHIBIT "B"

EXHIBIT C

10S04W35 01100 and 01300

Franchise Utility Easements
for Benton Woods Phase II



Geographic Information Services

